

UNITED STATES DISTRICT COURT FOR U.S. DISTRICT COURT
THE DISTRICT OF WYOMING DIVISION OF WYOMING

UNITED STATES OF AMERICA) 2013 JAN 16 AM 11 22
Plaintiff) Case No. 12CR187TMK
vs) Department US MAGISTRATE JUDGE, CLERK
STANLEY JONES) Judge Honorable Teresa M. McKee KASPER
Defendant)
)
)
) **MOTION TO DISMISS**

COMES NOW, Stanley Jones in his personal capacity in special appearance to Motion this Honorable Court for Dismissal of this action for the following reasons:

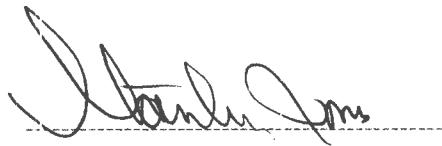
1. Upon examination of the accusatory instrument it has come to my attention that there is no instrument of probable cause or written statement of the essential facts constituting the offense charged made under oath or affirmation made before a magistrate judge, state or local judicial officer that would invoke the Court's subject matter jurisdiction in the first instance.
2. Upon an examination of the facts it has come to my attention that the procedural due process rights of Notice and Opportunity, which are clearly spelled out in the BLM's 43 CFR subchapter D Range Management 4000 has not been acted upon.
3. I have never been served a written notice of ownership by a qualified Brand Inspector of the State of Wyoming to determine ownership of cattle in the alleged trespass.
4. In cases where livestock simply escape the control of the owner or by negligence of others, the owner of such cattle will not be guilty of an actionable trespass.

CONCLUSION

Whereas, there has never been a Notice to Remove issued by certified mail or hand delivery (43 CFR 4150.2). Nor has an offer for satisfactory settlement been issued (43 CFR 4150.3). Nor has it been determined whether there was a willful or nonwillful violation given (43 CFR 4150.3). Nor has there been evidence provided that the unauthorized use "occurred through no fault of the livestock operator" (43 CFR 4150.3(1)). Nor has there been remedy offered by Administrative decision (43 CFR 4160). Neither has a written and signed notice of ownership of cattle from a Wyoming Brand Inspector been given to the defendant. Therefore there has been no actionable trespass allowing cattle to graze without a permit. This action shculd not have been referred to proper authorities for legal action (43 CFR 4170.1(1)(c))

Absent the mandatory requirements of Due Process and absence the Constitutional and Statutory mandate of probable cause statements and Procedural Due Process requirements in the BLM's own procedural handbook, in the interest of Justice, Defendant hereby Motions this honorable court to Dismiss the Action for failure to state a valid claim before the Court.

Date: January 15, 2013

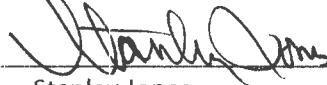


Stanley Jones
Po Box 65
Otto, WY 82434
Phone (307) 762-3271

AFFIDAVIT OF STANLEY JONES

Affiant Stanley Jones hereby testifies under oath before M.W. Scott (Notary) that he is competent to testify and that he has first- hand knowledge of the facts and that the statements are true so help me God.

1. Affiant has never seen a written statement of essential facts constituting the offense charged made under oath before an officer of the Court by someone with first- hand knowledge of the facts and believes that none exists.
2. Affiant has never seen a letter or any writing giving Notice of a trespass and giving Opportunity to remove any livestock belonging to Stanley Jones and believes that none exists.
3. Affiant has never seen any inspection certificate or any writing by a Wyoming brand inspector as required by Wyoming Brand Law and believes that none exists.



Stanley Jones

State of Wyoming

County of

Big Horn

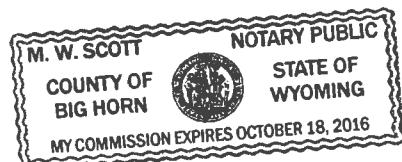
This instrument entitled Motion to Dismiss and Affidavit of Stanley Jones was acknowledged before me on January 15, 2013 by M.W. Scott (Notarial Officer)

M.W. Scott

Signature of Notarial Officer

M.W. Scott

Seal



CERTIFICATE OF SERVICE

I Stanley Jones on January 15, 2013 certify that I placed in a United States Postal Service depository a sealed envelope with MOTION TO DISMISS addressed to:

Stephan Harris Clerk of the Court
United States District Court for the District of Wyoming
111 South Wolcott Street 1st Floor
Casper, WY 82601

U.S. Attorney
Christopher A Crofts
PO Box 22211
Casper, WY 82602-5010

U.S. Assistant Attorney
Kerry J. Jacobson
PO Box 449
Lander, WY 82520-0449

Honorable Teresa M. McKee
United States Magistrate Judge
260 Lincoln Street
Lander, WY 82520

Date: January 15, 2013



Stanley Jones